

Showers and warmer to-night; Saturday cloudy.

# The Washington Times

FINANCIAL  
LAST EDITION  
With Closing N. Y. Stock Prices.

NUMBER 6183.

WASHINGTON, FRIDAY EVENING, DECEMBER 11, 1908.

PRICE ONE CENT.

## CITIZENS TO BALLOT ON LIQUOR QUESTION

House District Committee Agreed on Plan to Let Voters Decide.

## SMITH OFFERS AN AMENDMENT

Members Still Divided on Question of Qualification to Vote.

Members of the House District Committee, it was learned today, have reached an agreement that the question of prohibition in the District of Columbia should be left to the citizens of the District for settlement. On this question members of the committee are unanimous, but they fail to agree as to the voting qualifications which should be imposed.

An amendment to the Sims bill calling for absolute prohibition in the District has been prepared by Representative Samuel Smith, chairman of the District Committee, providing for a referendum on the liquor question, and this amendment meets with the approval of the entire committee. The amendment is as follows:

The Amendment.

"That the question of the prohibition of the sale, manufacture, barter, giving away, or furnishing intoxicating liquors by corporations and persons within the boundaries of the District of Columbia, as provided for in this act, is hereby referred to the male voters of the District of Columbia who are over twenty-one years of age and who have been bona fide residents of the District for six months immediately preceding the passage and approval of this act by the President, at a special election to be held for the purpose of electing a board of three persons, one to be known as inspector and the other two as clerks, who, before entering upon the discharge of their duties shall take an oath for the faithful discharge of their duties; said board shall be the judges of the qualification of voters; the clerk shall keep a list of all voters, and shall, at all persons voting, and the ballots shall be received by the inspector in the presence of the board, and the ballots to be kept for that purpose.

"That the board of Commissioners of the District of Columbia is hereby appointed and constituted ex-officio, a general board of election to carry into effect the provisions of this act, and are authorized to fix a date for holding the said special election, not later than thirty days after the passage and approval of this act, and give notice thereof in all of the daily newspapers of general circulation published in the District of Columbia, and to establish suitable and convenient polling places for the purpose of receiving the ballots of the voters; to appoint a board of three persons, one to be known as inspector and the other two as clerks, who, before entering upon the discharge of their duties shall take an oath for the faithful discharge of their duties; said board shall be the judges of the qualification of voters; the clerk shall keep a list of all voters, and shall, at all persons voting, and the ballots shall be received by the inspector in the presence of the board, and the ballots to be kept for that purpose.

Hours for Voting.

"The polls shall be kept open from 9 a. m. until 5 p. m., and after the close thereof, the board shall immediately count the ballots cast and tally the same upon two sheets, one to be used by each clerk after the ballots have been counted and tallied, the said poll lists and tally sheets shall be sealed securely in a package and delivered to the inspector in his possession, to be opened at a meeting with all of the said inspectors, in the presence of the board of Commissioners, the Senate, and the Speaker of the House of Representatives for further legislation, if necessary, in accordance with the will of the people."

Members Differ.

No provision is made for the qualification of voters, because of the present differences of opinion among the committee members. Mr. Smith is of the opinion that such provision will have to receive consideration at the hands of the whole committee. It is probable that the liquor question may come before the House today in the shape of the bill introduced in the Senate earlier in the week, providing for the enlargement of the license zone, and a heavier license tax. This measure is opposed by many of the liquor dealers in the District.

Among the letters received by Mr. Smith today was one from William H. Anderson, acting legislative superintendent of the Anti-Saloon League of America, declaring that his organization favors local option, and is not insistent at this time for a national prohibition. Mr. Anderson writes:

"The Anti-Saloon League is not asking for prohibition for the District. The league is a practical organization for securing results. It aims to go no farther and no faster than a normal public will sustain. Reasonable legislation, moderation and developments of such sentiment, until legislation allowing the people of the District to close saloons in their respective localities, is wiser than premature Congressional enactment of absolute prohibition, the Anti-Saloon League nationally and in the District is asking at this time for a reasonable local option, or home rule measure."

## WEATHER REPORT.

The storm, which was noted in the Middle States Thursday morning, has continued its movement eastward. The indications are for rain in the North and Middle Atlantic coast States. Temperatures will rise along the coast and be moderate generally in the interior, no low temperatures being indicated for several days.

FORECAST FOR DISTRICT.  
For the District of Columbia: Showers and warmer tonight; Saturday, partly cloudy; fresh southerly, shifting to westerly, winds.

TEMPERATURE.

SUN TABLE.

TIDE TABLE.

## STORK BRINGS JOY IN SAD LEPER'S LIFE

Bouncing Baby Boy Will Coo to John Early When He Goes Into New Home on Christmas Morning.

A son was born to Mrs. Lottie R. Early, wife of John Early, the leper, last Friday night. The child, according to the physician of the Health Department, who attended the mother, is a fine specimen of babyhood, in good health and weighed eight pounds at birth. The attending physician said there is no reason why the disease with which the father is afflicted should be communicated to the child, and that the little fellow might grow up to be a strong and able-bodied boy.

The news of the birth of the child was conveyed to Early by the doctor, who informed him that the mother and child were doing well. Early seemed pleased to hear the news.

John Early, the leper, will spend Christmas Day in his new home. Alterations to the comfortable brick house adjacent to the smallpox hospital are practically completed, and the dwelling is already occupied by Mrs. Early and her child.

## LIKENS RAILROAD TO HARSH USURER

District Court Holds Injured Employee May Recover in Full for Damage.

Comparing the Baltimore and Ohio Railroad Company to a usurer, Justice Stafford, of the District Supreme Court, today handed down a sensational opinion, holding that a written agreement with the railroad, waiving damages in case of injury, signed by F. E. Goldenstein, who was hurt while on duty a year ago and sued the road for damages, is as null and void as an agreement to pay an unlawful interest on a loan, and does not invalidate the employee's right to sue under the employers' liability act.

Justice Stafford quotes to the railroad the biblical passage, "How then is a man better than a sheep?"

The court also quotes legal authorities and cites the principle of law that a waiver clause in a bill of lading is of no value, and continues:

Protect Cattle, Not Men.

"A court which pays greater attention to the safety of the live stock in the cattle cars than to the human beings who are crowded into the train, would seem to deserve that rebuke of the Savior."

In his written opinion, Justice Stafford says: "To continue the analogy, the railroad company, when it contracts to accept benefits in full, if he accepts them at all, is in the position of the borrower when agreeing to pay interest on a loan, when accepting the benefits, after injury, is in the position of the borrower when actually paying the usury. As the borrower may still recover the back usurious payment, so may the employee repudiate his release of his real damages."

Contracts at Worker's Cost.

"Contracts of indemnity insurance, and of relief benefits are an attempt on the part of employers to keep the law, 'to restrict their common law liability by requiring their employees to accept, and receive for injuries, a sum less than that to which they would otherwise be entitled. It is as if an employer should say to an employee 'I will not accept you in my service until you have agreed to enter into a contract with me, instead of being compensated in full you shall receive therefore only some small amount not intended in the contract.' The supposition is that the employee assents to the contract under the stress of his situation by reason of his necessity to secure employment."

As further sarcasm for the railroad, the opinion says: "May a railroad company, when it assumes the burden of proper care of them and no matter how gross its negligence may be, contract with its employees to limit its liability by requiring their employees to accept, and receive for injuries, a sum less than that to which they would otherwise be entitled. It is as if an employer should say to an employee 'I will not accept you in my service until you have agreed to enter into a contract with me, instead of being compensated in full you shall receive therefore only some small amount not intended in the contract.' The supposition is that the employee assents to the contract under the stress of his situation by reason of his necessity to secure employment."

The opinion was entered into the record of the court in overruling the demurrer of the railroad pleading that Goldenstein signed a contract waiving damages, and that suit damages is now to be tried on its merits.

## "CAIRO" CAFE BURNS; 8 FIREMEN INJURED

Notorious Resort, Recently Closed, Is Destroyed by Hot Fire.

NEW YORK, Dec. 11.—In a fire that destroyed the "Cairo Cafe," one of the most notorious resorts of the tenderloin early today, eight firemen were severely burned and another badly bruised.

The "Cairo" was closed several months ago by Inspector McCloskey, and has since been conducted as a soft drink establishment.

\$1.25 to Baltimore and Return

Saturdays and Sundays via Pennsylvania Railroad. Tickets good returning until Sunday night. All regular trains except the "Congressional Limited."

## YALE TAFT CLUB TO HEAD PARADE

Committee Members Open Office and Hear of Work Already Done.

The right of the line in the parade of the civic organizations at the inauguration will be given to the members of the class of 1878 of Yale, of which class President-elect William H. Taft was a member, according to an announcement made this morning by Thomas P. Morgan, chairman committee on civic organizations.

This society will be followed by the Citizens' Taft Club, of Cincinnati, Ohio.

After these organizations will come the Utica (N. Y.) Unconditionals, which is a uniformed organization from the home of James S. Sherman, Vice President-elect.

The members of this organization were very highly complimented by the papers on the appearance of the parade at the inauguration of President Roosevelt. They will also be accompanied by the Sherman Scouts, another uniformed organization. Accompanying these organizations will be 100 business men from Utica.

The two uniformed clubs will bring their own drum corps.

Committee Gets Busy.

Nominations for members of two sub-committees, those on fireworks and transportation, were received this morning by Secretary Thom. Those named by Cuno H. Rudolph to serve on the fireworks committee are J. Fred Kelly, first vice president; A. E. Orff, second vice president; Frederick A. Penning, secretary.

The headquarters of this committee will be in Rooms 51 and 53, Century building. Additions to this list may be made as occasion requires, but those named will begin at once to arrange for the fireworks which form a distinctive feature of the program for inauguration night.

Finest Display of Fireworks.

It is understood that a large appropriation will be given for fireworks this year than ever before, and an attempt will be made to make the display on the Monument Grounds eclipse any similar exhibition ever given in this city.

One committee, on which depends most largely the success of the event from a visitor's standpoint, is that on transportation, and Chairman S. B. Hoge will let no grass grow under his feet in the matter of arranging adequate train service. Every effort will be made to arrange facilities for the throngs which always wishes to leave the city on the day after inauguration, and with the facilities afforded by the new Union Station, it is thought the crowd can be handled this time without congestion.

Chairman Hoge has already named nine members of his committee, as follows: L. S. Brown, B. M. Newbold, G. M. Bond, G. P. James, R. H. Stansell, E. J. Lockwood, P. Y. Waters, W. H. Callahan, and H. P. Baldwin.

Announcement was also made this morning by Chairman Stellwagen that

(Continued on Thirteenth Page.)

## SUBURBANITES LOSE SUBSTANTIATION FIGHT

Justice Barnard Refuses to Grant Mandatory Injunction Sought.

## SITE WAS APPROVED IS COURT'S OPINION

Holds That Commissioners Have No Right to Reject Their Approval.

Washington suburbanites have lost their fight for a convenient substation on the Philadelphia, Baltimore and Washington road to be located north of Long Bridge at the foot of Fourteenth street.

Justice John Barnard in the District Supreme Court this morning refused the mandatory injunction to compel the railroad to give the site approved in spite of the opposition of the suburbanites.

Major J. J. Morrow disagreed with the railroad and gave testimony that contradicted theirs.

Letter Has Weight.

It was a letter signed by Commissioners Macfarland and West revoking approval of the Fourteenth street site, which lost the case for the people, for it proved to the satisfaction of Justice Barnard that the Commissioners had approved the undesirable site or they would not be revoking their approval.

This letter was written July 3, 1908, and was written after the Commissioners had heard delegations of indignant citizens protesting against the placing of the substation where, it is said, it is almost inaccessible.

The Commissioners and the railroad had agreed on the Fourteenth street site before the law was passed. The matter, and the railroad, by immediately complying with all conditions of the agreement according to Justice Barnard's opinion, sealed the suburbanites' fate, for after that there could be no revocation of the official approval.

Money Spent.

The railroad showed that \$7,000 had been spent on the foundations at the Fourteenth street site, and in the face of this, Justice Barnard held, the Commissioners had no power to change their mind, even when provoked by public opinion.

"Congress" act authorizing the establishment of the substation was held to specify a location "north of Long Bridge," and the site at Seventh or at Four-and-a-half streets southwest, Justice Barnard declared, were not north of the bridge, and could not have been accepted by the Commissioners. He also called the action of the Commissioners to the fact that they tried in their letter of revocation to indicate the site the people wanted, while Congress provided that they should confine themselves to approval of a site suggested by the railroad.

The Commissioners, says the opinion, "are purely creatures of statute, and have no power beyond what is conferred on them by the statute," which in this case was to place the station "north of Long Bridge."

This decision will probably be final, as it is said the District will not appeal from the decision.

There is to be a substation, however, for the railroad company today declared that it is ready to erect the station according to the plans already approved, on part of Potomac Park, on all of its own land with changes to be made by the Commissioners, or in any other way, but it will build the station, it says, and possibly within three months.

## Old Station Torn Down By President's Order

That the old Pennsylvania railroad station was torn down and removed solely by order of the president of the United States was declared at a public hearing before the House Appropriations Committee this morning, in the course of which summary action by the Executive was criticised by a number of the committee members.

The native Burleson of Texas began the fireworks by asking Colonel Brownell, superintendent of public buildings and grounds, if he had not included in the last general estimate for a watchman at the old Pennsylvania railroad station.

"I believe so," replied Colonel Brownell, "but I have not used it, because I have torn down the old station."

"By what authority did you tear it down?" demanded Representative Burleson.

"By authority of the President," replied the superintendent.

Colonel Brownell was then asked

## CHASES DOWN NEGRO ASSAILANT OF WOMAN

Dr. A. S. Cushman Sees Man Shoot Companion and Gives Chase, Following Fugitive Several Blocks Until Policemen Join Crowd and Capture Black.

Charged with assault with intent to kill, Luther Anderson, a negro, of 1934 L street northwest, is in a cell at the Third precinct.

Anderson was captured by Dr. A. S. Cushman, of the Department of Agriculture, and two bicycle policemen, after a long chase about the city.

Dr. Cushman was on his way home after attending a gathering of scientific men at the Cosmos Club, Sixteenth and H streets northwest, last night, when his attention was attracted by a negro man and woman in front of him who were talking at the top of their voices.

At Sixteenth and L streets the negro whipped a revolver from his pocket, pointed it at the woman's back and fired five shots. Tossing the revolver on the ground, the man ran down Sixteenth street. Dr. Cushman was wearing a heavy fur overcoat and was carrying a heavy scientific specimen of steel, but in spite of the two handicaps he started after the negro.

"There was no one else on the street at the time," said Dr. Cushman this morning.

"The long heavy coat made it difficult for me to run, but I managed to keep about thirty feet behind the man. The negro turned up H street, and I expected every minute to meet a policeman, or that I would be joined in the chase by other pedestrians. I followed him up H street to Farragut square, but still I met no one."

By the time the negro had run around several bushes and trees in Farragut square, Dr. Cushman managed to attract the attention of other persons on the street by calling to them to help catch the man.

In a few minutes there was a good-sized crowd, with Dr. Cushman leading, running about thirty feet back of the negro. In a final effort to escape the fugitive started down Eighteenth street, turning up H street. Bicycle Policemen Smoot and Mudgett started after him on their wheels. The policemen had little difficulty in capturing him.

Persons in the meantime had discovered the colored woman lying on the pavement in a pool of blood. She was shot in the woman because she was found that but one of the bullets had struck her.

Carrie Gross, of 1155 Fifteenth street northwest, the doctors say she will recover. The police declare Anderson shot the woman because she was jealous of attentions alleged to have been paid to her by other men.

## KEEP SHARP WATCH FOR IMPURE CANDY

Health Inspectors Examine Samples Offered for Holiday Trade.

To keep check on the great quantity of cheap candies sold during the Christmas holidays, the Health Department is purchasing samples of stock being offered all over the city to determine if it is pure. The samples will be analyzed to determine whether the pure food act is being violated. If the candies are adulterated or are impure, the vendors will be prosecuted. Where the candies are manufactured in this city the makers will be prosecuted.

It was stated at the Health Department this morning that a special investigation is being made of milk and lard and that in two instances milk adulterated liberally with water had been sold and adulterated with beef steatin had been found. The lard was branded as "pure leaf lard." Prosecutions will follow.

During the holiday trade inspection of turkeys and other fowls will be rigid.

## ST. LOUISIAN MAY NOW HEAD HARVARD

Calvin Hewlett Mentioned in Case. J. J. Storow Does Not Accept Place.

## EIGHT ARE INJURED WHEN BOATS CRASH

Launch Collides With Scow. Twenty-Five Thrown Into Water.

BALTIMORE, Dec. 11.—The launch Dolly Boy, in charge of Domic Daley, a ferryman, and a scow, being towed by the tug William A. Johnson, were in collision in Baltimore harbor off the foot of Fell street, this morning, and twenty-five persons who were in the launch at the time on their way to work at Speden's shipyard were thrown into the waters of the harbor.

All were rescued by the crew of the Johnson and by men in other small boats in the harbor, but eight occupants of the launch were seriously injured in the crash, and were hurried to St. Joseph's Hospital in ambulances.

## RUSSIAN VIOLINIST MAKES A GREAT HIT

NEW YORK, Dec. 11.—M. Ischa Elman, the eighteen-year-old Russian violinist, made his American debut last night at Carnegie hall, with the Russian Symphony Orchestra. The young protege of the Czar was accorded a magnificent reception, and scored an artistic triumph.

His playing bore out the wonderful reports from Europe, and it is expected that his American tour will establish him in this country as the first of young violinists of the day.

## SUBMARINES MOVE SOUTH FOR WINTER

Driven southward by the winter, the submarines Casline and Cuttlish are now on their way from Philadelphia to Norfolk to take up permanent quarters during the cold weather. The presence of ice in the Delaware forced the Navy Department to remove the vessels before they were locked in by the ice. On several occasions naval vessels have been marooned in the Delaware by the sudden approach of winter.

## HOUSE DECLARES WAR ON PRESIDENT

Unanimously Adopts Plan for Committee to "Investigate" Language.

## DEBATES GO OVER, WAITING REPORT

Perkins Presents Measure and Asks Members to Withhold Criticism Now.

Without a dissenting voice, the House today adopted a resolution presented by Representative Perkins of New York, providing for the appointment of a committee "to consider the statements made in the President's message in regard to the Secret Service appropriation."

At the conclusion of a carefully prepared speech, Mr. Perkins expressed the hope that any debate which the members desired on the subject would be reserved until after the committee had made its report to the House, and his wishes were complied with. Immediately upon the adoption of the resolution, Speaker Cannon appointed Representatives Perkins of New York, Denby of Michigan, Weeks of Massachusetts, Williams of Mississippi, and Lloyd of Missouri to serve on the committee.

In anticipation of the introduction of the resolution, which is certain to result in strong language in condemnation of President Roosevelt, nearly every member of the House was in his seat when the Speaker's gavel fell at 1 o'clock. After the journal had been read, corrected, and approved, Mr. Perkins arose and was instantly recognized.

He sent his resolution to the desk and after it had been read, he spoke briefly, but feelingly of the cordial relations which should exist between Congress and the President of the United States, and declared that he yielded to no man in his loyalty to both. It was with a full realization of the full import of his resolution that he asked for the appointment of a committee, he said. Frequently, Mr. Perkins was interrupted by applause from both sides of the House, and it was apparent that a great majority of the House was in full accord with the members who are determined to make war on the President.

Further action on the offensive portion of the President's message will now be postponed until such time as the special committee makes its report. Then, according to all indications today, there will be such a flood of oratory and invective heaped upon the President as has not been heard in Congress in recent years.

Many Will Speak.

Already a great number of Representatives have announced their intention to speak on the subject. Several members of the Appropriations Committee will join in the debate and a number of Democrats also have signified their intention of speaking.

Just who will undertake to defend the President's utterances has not yet developed. Certain it is that no voice was raised today to oppose the appointment of a committee. There was a roar of "Yess" when Speaker Cannon called for a vote on the resolution and not a voice was heard when he called for those who were opposed to it.

Scores of eyes were turned on Nicholas Longworth, the President's son-in-law, to see how he stood, but it is not believed that he voted at all.

"Unfortunately," Says Perkins.

Representative Perkins of New York made the only speech upon this, one of the most unusual messages ever sent to Congress. He spoke with dignity and feeling and carefully weighed every word.

"Mr. Speaker, I think it may be justly stated that the expressions of the President were unfortunate," said Mr. Perkins, and he hesitated some time before pronouncing the word "unfortunate," as though seeking some expression that would exactly convey his feelings.

"Whether it is enough to say that, or whether some more formal action should be taken, it will be for the Congress exercising a wide and discreet judgment to decide."

"Mr. Speaker, we are the chosen representatives of 90,000,000 people; we are the legislative body of a great nation, and I am sure there is no man who has the honor of being a member of Congress who would not be glad to approve any action that might be taken by the proper regard for the dignity of the body, and which would belong to and for the people whose representatives we are."

Committee Named.

"The resolution offered provides for the appointment of a committee which shall report to the House. Upon this report when it is received there can be a full discussion. I should now be glad to have this resolution adopted without debate and without dissent."

Speaker Cannon, at the conclusion of Representative Perkins' speech, called for a yeas and nays vote. Without a dissenting voice, the House of Representatives went on record as favoring the appointment of an investigating committee. The Speaker then announced:

"The House of Representatives having unanimously voted in favor of this resolution, the Chair appoints Mr. Perkins, Mr. Weeks, Mr. Lloyd, Mr. Denby and Mr. Williams, as a committee to investigate."

The Resolution.

This is the text of the resolution: "Whereas, there was contained in the sundry civil appropriation bill, and which passed Congress at its last session, in reference to the employment of the Secret Service in the Treasury Department; and

"Whereas, in the message of the President of the United States to the two Houses of Congress, it was stated in reference to that provision: 'It is not